

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMOD KHALIL ROHN,)	
)	
Plaintiff,)	Civil Action No. 08-185
)	
v.)	Judge Schwab
)	Magistrate Judge Caiazza
JEFFREY A. BEARD, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

The Plaintiff in this prisoner civil rights suit filed this action on his own behalf, an answer has been filed, and discovery is ongoing. The Plaintiff has now filed a Motion for Certification (Doc. 21), in which he asks that a class be certified, and that he be approved to represent that class. Such certification requires that the named plaintiff prove that he has met the requirements of numerosity, commonality, typicality, and adequacy of representation, Fed. R. Civ. P. 23. A class action can be maintained only if "the representative parties will fairly and adequately protect the interests of the class," Fed. R. Civ. P. 23(a)(4), but, in this case, the plaintiff is unable to satisfy the adequacy of representation factor because he is without sufficient legal education. see Krebs v. Rutgers, 797 F.Supp. 1246, 1261 (D.N.J.1992) (denying class certification to pro se plaintiffs without sufficient legal education). In fact,

pro se plaintiffs are not favored as representative parties in a class action, as they generally cannot represent and protect the interests of the class fairly and adequately. Caputo v. Fauver, 800 F.Supp. 168, 170 (D.N.J.1992), aff'd, 995 F.2d 216 (3d Cir.1993) (table decision) (stating that "[e]very court that has considered the issue has held that a prisoner proceeding pro se is inadequate to represent the interests of his fellow inmates in a class action"); Cahn v. United States, 269 F.Supp.2d 537, 547 (D.N.J.1992); Whalen v. Wiley, No. 06-809, 2007 WL 433340 *2 (D.Col. Feb. 1, 2007) (finding that it is plain error to permit a pro se inmate litigant to represent fellow inmates).

AND NOW, this 9th day of June, 2008, IT IS HEREBY ORDERED that the Plaintiff's Motion for Certification (Doc. 21) is DENIED.

s/Francis X. Caiazza
Francis X. Caiazza
U.S. Magistrate Judge

cc:
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